

Article - Labor and Employment

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§3–304.2.

(a) On request, an employer shall provide to an applicant for employment the wage range for the position for which the applicant applied.

(b) (1) An employer may not:

(i) retaliate against or refuse to interview, hire, or employ an applicant for employment because the applicant:

1. did not provide wage history; or

2. requested the wage range in accordance with this section for the position for which the applicant applied; and

(ii) except as provided in paragraph (2) of this subsection:

1. rely on the wage history of an applicant for employment in screening or considering the applicant for employment or in determining the wages for the applicant; or

2. seek the wage history for an applicant for employment orally, in writing, or through an employee or an agent or from a current or former employer.

(2) After an employer makes an initial offer of employment with an offer of compensation to an applicant for employment, an employer may:

(i) subject to paragraph (3) of this subsection, rely on the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer; or

(ii) seek to confirm the wage history voluntarily provided by the applicant for employment to support a wage offer higher than the initial wage offered by the employer.

(3) An employer may rely on wage history under paragraph (2) of this subsection only if the higher wage does not create an unlawful pay differential based on protected characteristics under § 3–304 of this subtitle.

(c) This section may not be construed to prohibit an applicant for employment from sharing wage history with an employer voluntarily.

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